

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHNNY LEROY STANLEY,

Plaintiff,

CIVIL ACTION NO. 07-13114

vs.

DISTRICT JUDGE VICTORIA A. ROBERTS  
MAGISTRATE JUDGE DONALD A. SCHEER

BETH HAND, et. al.,

Defendants.

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ORDER DENYING MOTION TO STOP IN FORMA PAUPERIS STATUS

The Complaint in this cause was filed on July 25, 2007. Plaintiff was granted in forma pauperis status on October 16, 2007. The order granting in forma pauperis status specifically stated that the Plaintiff had to ultimately pay the full filing fee of \$350.00 for this action, pursuant to 28 U.S.C. § 1915(b)(1). Plaintiff was informed that the court would collect an initial partial filing fee of \$14.00, followed by monthly payments of twenty percent of the preceding month's income credited to his prison account (Docket # 7). To date, Plaintiff has paid all but \$43.07 of the \$350.00 filing fee.

On October 26, 2007, Magistrate Judge Charles Binder submitted a Report and Recommendation recommending that the Court *sua sponte* dismiss Plaintiff's complaint with prejudice for failure to state a claim (Docket #9). The court accepted the Report and Recommendation on February 1, 2008, and the case was dismissed. (Docket #14).

Plaintiff filed a Motion to Stop in Forma Pauperis on August 12, 2008, claiming that he had paid the filing fee in full. He requested that further withdrawals from his prisoner account to pay the filing fee be stopped, and that any refund he is entitled to be returned

to him immediately (Docket #17). The motion was referred to the undersigned on August 26, 2008.

Plaintiff's Motion to Stop in Forma Pauperis is denied because the full filing fee of \$350.00 has not been fully paid by him. The Financial Service Office of this court reports that Plaintiff still owes \$43.07 of the filing fee. Once the entire filing fee has been paid, the Clerk of the Court will notify the agency having custody of Plaintiff that no additional deductions from his prison account will be withdrawn to pay the fee.

SO ORDERED

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: October 6, 2008

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### CERTIFICATE OF SERVICE

I hereby certify on October 6, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was **Johnny Leroy Stanley**.

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217